

towering over 100 feet can be seen for miles around. It is traditionally understood that local and state governments are best equipped to properly consider and evaluate land use needs for local communities. Federal siting processes for transmission lines must be carefully tailored to allow greater protections to both local landowners and to the state decisionmaking process.

Currently, Section 1221 provides that state regulatory authorities can have their jurisdiction to approve or disapprove an application for new transmission lines in the state usurped by the federal government after one year in the application process. Additionally, the FERC can simply override disapproval by the state regardless of how sound the rationale for disapproval might have been. This is unacceptable.

Under my legislation, if the state entity denies an application, any subsequent application to FERC would first have to prove that the state decision was arbitrary and capricious. Furthermore, if the state goes beyond a year to act, the applicant must show that the state had no valid reason for delaying action.

Additionally, in order to ensure that lands that have been protected by the federal or state governments through conservation easements, ownership and similar preservation initiatives will not be impacted, the legislation prohibits these lands from being included in a NIETC and requires that the Department of Energy consider the national interests in protecting these resources.

I fully support investment in alternative energy sources and conservation, yet current law requires no assessment of alternative energy solutions before action is taken to designate a NIETC. My legislation would require the Department of Energy to consider all energy use alternatives to building new transmission lines before designating a NIETC. Furthermore, the Department of Energy will be required to solicit public comments on the analysis.

Finally, under current law landowners are compensated only for the portion of their property actually taken for a NIETC right-of-way. There is no compensation for any reduction in the value of the remainder of a landowner's property or for adjacent landowners whose property is devalued. This legislation would allow all landowners who are able to prove a 10 percent diminution in property value because of the construction of the transmission lines a cause of action to recover those damages from the energy company. The fact is that transmission lines that tower 270 feet into the air have an impact far beyond the footprint required for construction and maintenance and this must be acknowledged.

Madam Speaker, I invite our colleagues to join with me in support of this legislation.

#### REHABILITATED, NONVIOLENT OFFENDERS NEED A SECOND CHANCE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Mr. RANGEL. Madam Speaker, I rise today to bring to your attention the devastating impact of imprisonment on the lives of rehabilitated ex-offenders and to enter into the

RECORD an opinion editorial in the New York Times entitled, "Closing the Revolving Door."

Last week I introduced the Second Chance Act which would provide for the expungement of criminal records of certain non-violent offenders who have paid their debts to society. This "second chance" would only apply to individuals who have clearly demonstrated their commitment to turning themselves into industrious members of our communities.

It is preposterous that many states have often been forced to choose between building new prisons or new schools, because of the federal mandatory minimum sentencing laws. Worse still, the country has created a growing felon caste, now more than 16 million strong and growing, of felons and ex-felons, who are often driven back to prison by policies that make it impossible for them to find jobs, housing or education.

The U.S. Sentencing Commission and the Department of Justice have both concluded that mandatory sentencing fails to deter crime. Furthermore, mandatory minimums have worsened racial and gender disparities and have contributed greatly toward prison overcrowding. Mandatory minimum sentencing is costly and unjust. Mandatory sentencing does not eliminate sentencing disparities; instead it shifts decision-making authority from judges to prosecutors, who operate without accountability. Mandatory minimums fail to punish high-level dealers. Finally, mandatory sentences are responsible for sending record numbers of women and people of color to prison.

I urge your support for H.R. 623, the "Second Chance for Ex-Offenders Act of 2007," which would provide for the expungement of criminal records of certain non-violent offenders who have paid their debts to society.

[From the New York Times]

#### CLOSING THE REVOLVING DOOR

The United States is paying a heavy price for the mandatory sentencing fad that swept the country 30 years ago. After a tenfold increase in the nation's prison population—and a corrections price tag that exceeds \$60 billion a year—the states have often been forced to choose between building new prisons or new schools. Worse still, the country has created a growing felon caste, now more than 16 million strong, of felons and ex-felons, who are often driven back to prison by policies that make it impossible for them to find jobs, housing or education.

Congress could begin to address this problem by passing the Second Chance Act, which would offer support services for people who are leaving prison. But it would take more than one new law to undo 30 years of damage:

Researchers have shown that inmates who earn college degrees tend to find jobs and stay out of jail once released. Congress needs to revoke laws that bar inmates from receiving Pell grants and that bar some students with drug convictions from getting other support. Following Washington's lead, the states have destroyed prison education programs that had long since proved their worth.

People who leave prison without jobs or places to live are unlikely to stay out of jail. Congress should repeal the lifetime ban on providing temporary welfare benefits to people with felony drug convictions. The federal government should strengthen tax credit and bonding programs that encourage employers to hire people with criminal records. States need to stop barring ex-offenders from jobs because of unrelated crimes—or arrests in

the distant past that never led to convictions.

Congress should deny a request from the F.B.I. to begin including juvenile arrests that never led to convictions (and offenses like drunkenness or vagrancy) in the millions of rap sheets sent to employers. That would transform single indiscretions into lifetime stigmas.

Curbing recidivism will also require doing a lot more to provide help and medication for the one out of every six inmates who suffer mental illness.

The only real way to reduce the inmate population—and the felon class—is to ensure that imprisonment is a method of last resort. That means abandoning the mandatory sentencing laws that have filled prisons to bursting with nonviolent offenders who are doomed to remain trapped at the very margins of society.

#### PERSONAL EXPLANATION

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Mr. McDERMOTT. Mr. Speaker, due to a death in my family I was unable to travel to Washington, DC, and missed votes in the House of Representatives on January 29, 30, and 31. Had I been here, I would have voted "aye" on:

1. H.R. 521, 2. H.R. 49, 3. H.R. 335, 4. H. Res. 70, 5. H. Res. 82, 6. H. Res. 24, 7. H. Con. Res. 20, 8. H. Res. 59, 9. H. Con. Res. 34, 10. H. Con. Res. 5, 11. H. Res. 90, 12. H. Res. 24, 13. H. Res. 116, and 14. H.J. Res. 20.

#### MARITIME POLLUTION PREVENTION ACT OF 2007

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Mr. OBERSTAR. Madam Speaker, I rise today, together with the Chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, to introduce the "Maritime Pollution Prevention Act of 2007".

For many years, the International Maritime Organization, an entity of the United Nations, has been developing international standards to prevent pollution from ships that ply the world's oceans. The international convention they developed is called the International Convention for the Prevention of Pollution from Ships, 1973, The United States has implemented these environmental laws by enacting and amending the Act to Prevent Pollution from Ships (APPS).

On May 19, 2005, Annex VI of that Convention came into force internationally. Annex VI limits the discharge of nitrogen oxides from large marine diesel engines, governs the sulfur content of marine diesel fuel, prohibits the emission of ozone-depleting substances, regulates the emission of volatile organic compounds during the transfer of cargoes between tankers and terminals, sets standards for shipboard incinerators and fuel oil quality, and establishes requirements for platforms and drilling rigs at sea.

This bill is the necessary implementing legislation for Annex VI of that Convention. This legislation will provide the Coast Guard and the Environmental Protection Agency the authority that they need to develop U.S. standards and enforce these requirements on the thousands of U.S.- and foreign-flag vessels that enter the United States each year from overseas.

Everyone here recognizes the challenge that the world faces in combating global climate change. We must pursue all avenues in the effort to turn around the rising temperatures on this planet. I am pleased that the International Maritime Organization stepped up to the plate and developed amendments to the International Convention for the Prevention of Pollution from Ships to regulate air pollution from ships.

Last year, the Committee on Transportation and Infrastructure favorably reported H.R. 5811, the MARPOL Annex VI Implementation Act of 2006. This bill was subsequently added as an amendment to H.R. 5681, the Coast Guard Authorization Act of 2006, and passed the House on October 28, 2006.

The bill that Mr. CUMMINGS and I introduce today is very similar to H.R. 5811. Pursuant to requests by the Administration, the bill allows the Environmental Protection Agency ("EPA") and the Coast Guard to enforce the standards. The Coast Guard acknowledges that the EPA has far more experience than it does on air quality emission standards. However, it is important for the EPA to develop the standards jointly with Coast Guard because of the Coast Guard's expertise regarding vessel safety issues.

I am hopeful that the Committee on Transportation and Infrastructure will report this bill to the House very quickly and that the House will have an opportunity to consider the bill in the coming weeks.

I would like to take the opportunity to thank our new Chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, for his contributions in developing this bill.

I urge my colleagues to join us in supporting the Maritime Pollution Prevention Act of 2007.

#### PERSONAL EXPLANATION

#### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Mr. ABERCROMBIE. Madam Speaker, I regret that I was unavoidably detained on Wednesday, January 24, 2007, and missed rollcall no. 56. Had I been present, I would have voted "aye."

#### DEPARTMENT OF HOMELAND SECURITY PROCUREMENT REFORM ACT OF 2007

#### HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Mr. CARNEY. Madam Speaker, the Department of Homeland Security purchases \$10 billion worth of goods and services per year. Un-

fortunately, the Department's procurement process is rife with problems that need to be addressed. Whether buying ice to aid disaster victims or cameras and sensors to secure our borders, the Department has struggled. The bill I am introducing today is a first step toward addressing some of the Department's most pressing needs in this area. It is an outgrowth of the excellent bi-partisan work spearheaded during the last Congress by then-Chairman MIKE ROGERS of Alabama and then-Ranking Member KENDRICK MEEK in the Subcommittee on Management, Integration, and Oversight of the Committee on Homeland Security.

Specifically, this bill requires regular procurement training for the Department's acquisition employees and the development of courses for both new and experienced employees. To assist the Chief Procurement Officer in developing policies and curriculum for the training, it establishes a "Council on Procurement Training" made up of eight component-level chief procurement officers in the Department. In order to ensure that training occurs as required, the Chief Procurement Officer is required annually to submit a report on training activities to the Secretary.

Selection of able and responsible contractors is, of course, crucial to any procurement success. To that end, this bill puts new requirements on the Department to review the past performance of all offerors seeking contracts. And to ensure that all contractors are on an equal playing field, it requires offerors to provide information concerning any role the offeror or its employees played in developing a contract solicitation or similar document. Further, if an offeror is delinquent or in default on any payment of tax, the bill requires offerors to disclose this information.

The bill also directly addresses one area that requires particular attention, the use of purchase cards. A Government Accountability Office (GAO) review released this past July revealed a disturbing lack of guidance and controls over their use. It highlighted potential incidents of fraud, waste, and abuse that could run into the millions of dollars. To address this problem, the bill directs the Department to develop and quickly disseminate Department-wide guidance concerning the use of such cards. Finally, the bill directs the GAO to issue a report on the contracting processes of the Department within six months of enactment.

This bill will not solve all of the problems of the Department's procurement operations. It will, however, start the process of reform that is badly needed.

#### MEASURE Y: IRAQ WAR ADVISORY

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Mr. THOMPSON of California. Madam Speaker, I rise today in agreement with the wishes of 19,290 voters in Mendocino County, California concerning the United States military engagement in Iraq.

On November 8, 2006, Measure Y: Iraq War Advisory was on the ballot in Mendocino County. The measure asked the following: Should the United States end the military occupation of Iraq and bring the troops home now? It passed by 67.17 percent of the vote.

Madam Speaker, the voters who approved Measure Y know what has been evident for some time—we need to begin redeployment of the United States military forces out of Iraq. As of today, 3,056 brave American servicemen and women have been killed in Iraq and over 23,000 have been wounded. We must redeploy our troops as quickly and safely as possible while putting an emphasis on diplomacy and shifting security responsibilities to the Iraqi people.

The President has already spent close to half a trillion dollars on war spending and he has called for more troops and more money, but the results of our efforts have been to endanger American lives, and worsen living conditions for Iraqis. It is time to bring our troops home. The will of the American people is indisputable. They want a swift end to the U.S. involvement in Iraq.

Madam Speaker, in accordance with the wish of my constituents, I submit this advisory into the CONGRESSIONAL RECORD.

#### SUPPORT FOR THE EDUCATE ACT

#### HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 5, 2007*

Ms. HOOLEY. Madam Speaker, I rise today to urge my colleagues to support the EDUCATE Act that Congressman VAN HOLLEN introduced today on behalf of myself and Congressman MIKE FERGUSON. I believe that this bill is one of the most important pieces of legislation that will be introduced in this chamber this year because it speaks to the Federal Government keeping a promise to children.

When Congress passed the Individuals with Disabilities Education Act of 1975, we made a commitment to our country's special education students. By providing only half of the promised funding in recent years, the Federal Government has passed on another unfunded mandate to States and local school districts and failed to honor our promise that students with special education needs deserve the best education possible.

Despite the fact that current law requires the Federal Government to match State IDEA costs at 40 percent, the President's budget in recent years has included funding for less than half of the Federal Government's IDEA obligation. Budgeting shortfalls at the federal level and the rising cost of special education have forced local school districts to assume a larger percentage of the funding burden. As a result, they have had to seek out alternative funding sources such as higher taxes or diverting monies from other educational initiatives in order to comply with IDEA requirements.

Now I know that many of my colleagues have been angered with the funding that IDEA has received in the past few years, and a few of them have introduced their own legislation to correct this funding shortfall. But I believe that the EDUCATE Act is the most fiscally responsible funding solution that has been offered. In the current fiscal climate and with the PAYGO requirements that have been put in place, this legislation offers the most responsible means of achieving our goals. It will do no good if we succeed in providing these children with a quality education and then leave them a country in financial ruin.